

Translation

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PATENT COOPERATION TREATY

PCT/EP2003/009023



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

Rec'd PCT/PTO

3 OCT 2005

(PCT Article 36 and Rule 70)

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|---|--|---|
| Applicant's or agent's file reference 02PA0191 PCT | FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) | |
| International application No. PCT/EP2003/009023 | International filing date (day/month/year) 14 August 2003 (14.08.2003) | Priority date (day/month/year) 19 December 2002 (19.12.2002) |
| International Patent Classification (IPC) or national classification and IPC D04H 1/12 | | |
| Applicant CARL FREUDENBERG KG | | |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

| | |
|---|--|
| Date of submission of the demand 12 February 2004 (12.02.2004) | Date of completion of this report 07 February 2005 (07.02.2005) |
| Name and mailing address of the IPEA/EP | Authorized officer |
| Facsimile No. | Telephone No. |

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/009023

I. Basis of the report

1. With regard to the elements of the international application:*

☐ the international application as originally filed

☒ the description:

pages

1-6

pages

, as originally filed

pages

, filed with the demand

, filed with the letter of

☒ the claims:

pages

1-13

pages

, as originally filed

pages

, as amended (together with any statement under Article 19

pages

, filed with the demand

, filed with the letter of

☒ the drawings:

pages

1-2

pages

, as originally filed

pages

, filed with the demand

, filed with the letter of

☐ the sequence listing part of the description:

pages

pages

, as originally filed

pages

, filed with the demand

, filed with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).

☐ the language of publication of the international application (under Rule 48.3(b)).

☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP 03/09023

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | | |
|-------------------------------|--------|------------|-----|
| Novelty (N) | Claims | 7-10, 13 | YES |
| | Claims | 1-6, 11-12 | NO |
| Inventive step (IS) | Claims | | YES |
| | Claims | 1-13 | NO |
| Industrial applicability (IA) | Claims | 1-13 | YES |
| | Claims | | NO |

2. Citations and explanations

This report makes reference to the following documents
(D1-D4) :

D1: US 5599420

D2: US 3255064

D3: US 6303220

D4: US 5685935

1. Novelty - PCT Article 33(2)

D1 (column 6, line 30 to column 7, line 9) discloses an embossed nonwoven fabric for cleaning applications, said fabric consisting of crimped, continuous filaments (fiber length of longer than 90 mm). The filaments have 5 to 15 crimps per inch. The filaments are sprayed with a binder and heated. The filament titer is not disclosed, but is probably between 1 and 150 dtex because this is a conventional titer for spun filaments. The filaments are bicomponent filaments that consist of polyolefin, polyester or polyamides. D1 (claims 1 to 14) also discloses the method of producing the nonwoven fabric: continuous filaments are spun, collected on a surface, sprayed with a binder and heated. The subject matter of claims 1-6 and 11-12 is therefore not novel over D1.

D2 (column 2, lines 32-50, column 6, line 73 to column 7, line 3) discloses a nonwoven fabric having continuous, crimped fibers, binder being applied to the nonwoven fabric. The fabric is then treated with heat and embossed. The filaments have a titer between 1 and 3 denier (table X) with 10 to 100 crimps per inch. The filaments are made of synthetic plastic, for example, polyester. The subject matter of claims 1-6 and 11-12 is therefore not novel over D2.

2. Inventive step - PCT Article 33(3)

Dependent claims 7-10 and 13 do not contain any features which, in combination with the features of any claim to which they refer, meet PCT requirements for inventive step. The reasons for this are as follows:

The use of natural fibers, in particular wool, in such products is disclosed in D3 (column 6, line 2-12). The subject matter of claims 7 and 8 therefore does not involve an inventive step.

The fiber mixtures according to claims 9 and 10 are two of several obvious possibilities from which a person skilled in the art would select according to the circumstances in order to solve the stated problem. The subject matter of claims 9 and 10 therefore does not involve an inventive step.

The application of binder on the second side of the material web and subsequent heating is already known. These measures are disclosed in D4 (column 10, line 5-21). The subject matter of claim 13 therefore does not involve an inventive step.